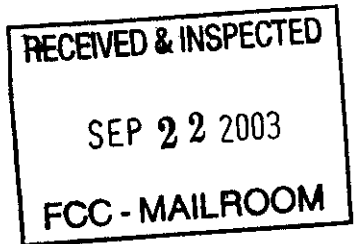


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 03-77
Table of Allotments,) RM-10660
FM Broadcast Stations.)
(Ashland, Coaling, Cordova, Decatur,)
Dora, Hackleburg, Hobson City, Holly Pond,)
Killen, Midfield, Scottsboro, Sylacauga and)
Tuscaloosa, Alabama, Atlanta, Georgia,)
and Pulaski, Tennessee)

FURTHER SUPPLEMENTAL COMMENTS

Kea Radio, Inc. ("KRI"), licensee of Station WKEA(FM), Scottsboro, Alabama, and Pulaski Broadcasting, Inc. ("PBI"), licensee of Station WKSR-FM, Pulaski, Tennessee, by counsel, hereby submit these Further Supplemental Comments in response to the Reply Comments filed in the above-captioned proceeding. This Further Supplement provides updated information in response to arguments that were raised for the first time by Cox Radio, Inc. and its wholly owned subsidiary CXR Holdings, Inc. (collectively, "Cox") in Cox's Reply Comments filed at the close of the comment period.

1. Cox had asserted in its Reply Comments that the Comments and Counterproposal filed in this proceeding by KRI and PBI (the "KRI/PBI Counterproposal") had failed to comply with the city grade coverage and line-of-sight requirements of §73.315 of the Commission's Rules regarding the KRI upgrade counterproposal.

2. As previously pointed out by KRI, Cox's argument relating to city grade coverage of Scottsboro, Alabama failed to take into account both the nature of the area within the city limits of Scottsboro and the actual coverage which would be provided utilizing a tower supporting an antenna 150

meters above average terrain.

3. The technical report filed in response to the Cox Reply Comments demonstrated that an examination of the actual terrain along radials from the proposed site through the community of Scottsboro as part of an NBS Tech Note 101 study revealed full city grade coverage over the city. The attached FAA No Hazard Determination further demonstrates the actual suitability of the proposed transmitter site for a tower structure extending 500 feet (152.39 meters) above ground level. This tower clearance conclusively shows that the site proposed by KRI complies with city grade coverage requirements of the Commission's rules.

4. KRI seeks to upgrade its own facilities on a co-channel, thus precluding the possibility of competing applications that could specify a different site. KRI has taken steps to assure the continued availability of the site specified in its counterproposal, which is in full compliance with FAA standards for the protection of nearby airports and related aviation facilities. The average elevations of terrain along the radials between KRI's specified site and the community of Scottsboro demonstrate enhanced signal coverage beyond that predicted when employing the Commission's standard methodology for predicting signal coverage. Because such terrain elevations vary widely from the average terrain in the area, use of the Tech Note 101 described is appropriate.

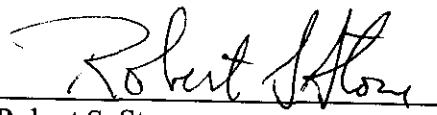
WHEREFORE, premises considered, Kea Radio, Inc. and Pulaski Broadcasting, Inc. respectfully urge the adoption of a Report and Order by the Commission amending the FM Table of Allotments consistent with their Comments and Counterproposal.

Dated this 17th day of September, 2003.

Respectfully Submitted,

KEA RADIO, INC.
PULASKI BROADCASTING, INC.

McC Campbell & Young, PC
Their Attorneys

By: 
Robert S. Stone

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Federal Aviation Administration
Southern Regional Office
1701 Columbia Avenue-ASO-520
College Park, GA 30337

Aeronautical Study No.
2003-ASO-4078-OE

Issued Date: 9/9/2003

RON H. LIVENGOOD
SECTION LAND COMPANY
P. O. BOX 966
SCOTTSBORO, AL 35768

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure Type: Antenna Tower
Location: SECTION, AL
Latitude: 34-29-53.33 NAD 83
Longitude: 86-1-25.92
Heights: 500 feet above ground level (AGL)
1692 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K Change 1,

Obstruction Marking and Lighting, paint/red lights - Chapters 3 (Marked), 4, 5 (Red), & 12.

It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

☐ At least 10 days prior to start of construction
(7460-2, Part I)

☒ Within 5 days after the construction reaches its greatest height
(7460-2, Part II)

As a result of this structure being critical to flight safety, it is required that the FAA be kept appraised as to the status of the project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination expires on 3/9/2005 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of

construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

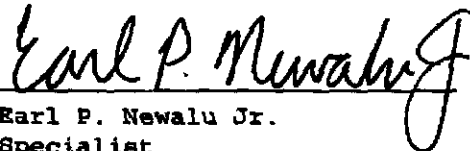
This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404)305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2003-ASO-4078-OE.


Earl P. Newalu Jr.
Specialist

(DNE) 210577

Attachment(s)
Frequency Data

7460-2 Attached

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Further Supplement has been served on the following parties or their counsel, where indicated, on this the 17th day of September, 2003, by first class United States Mail, postage prepaid, as follows:

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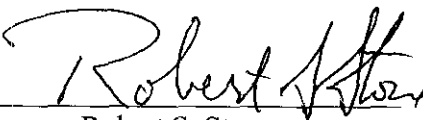
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